

ASSEMBLY BILL

No. 1854

Introduced by Assembly Member Simitian

January 29, 2004

An act to amend Section 24400 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1854, as introduced, Simitian. Motor vehicles: headlamps: inclement weather.

(1) Existing law requires, with limited exceptions, that, during darkness, a motor vehicle, other than a motorcycle, be equipped with at least 2 lighted headlamps.

This bill, additionally, would require a motor vehicle, other than a motorcycle, to be equipped with headlamps during inclement weather, as defined.

Because this would expand the scope of an existing crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 24400 of the Vehicle Code is amended
2 to read:

3 24400. (a) During darkness *and inclement weather*, ~~every~~ a
4 motor vehicle, other than a motorcycle, shall be equipped *and*
5 *operated* with at least two lighted headlamps, with at least one on
6 each side of the front of the vehicle, and, except as to vehicles
7 registered prior to January 1, 1930, they shall be located directly
8 above or in advance of the front axle of the vehicle. The headlamps
9 and every light source in any headlamp unit shall be located at a
10 height of not more than 54 inches nor less than 22 inches.

11 (b) *As used in subdivision (a), “inclement weather” is a*
12 *weather condition rendering a driver’s visibility from a motor*
13 *vehicle insufficient to clearly discern a person or another motor*
14 *vehicle on the highway at a distance of 1,000 feet.*

15 SEC. 2. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.

